

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/30/66

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July 1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Excise Department, Superintendent of State Excise, Excise Officer and Class III (non-Ministerial, non-gazetted posts) Recruitment Rules, 1968 issued under Notification dated 16th June 1966 and published in Government Gazette Series I No. 18 dated 4th August 1966 namely:—

1. *Short title and commencement:*— (i) These rules may be called the Goa Government Excise Department, Superintendent of State Excise, Excise Officer and Class III (non-ministerial, non-gazetted posts) Recruitment (second Amendment) Rules 1972

(ii) They shall come into force at once.

2. In the Schedule attached to the said notification

(i) against the post of Sub-inspector of Excise appearing at Serial No. 1, for the existing entry in column 11 substitute.

"Promotion:— Head Constable (Supervisors and guards grade I prior to equation) and Lower Division Clerks of the Department, with 3 years service in the Grades"

(ii) against the post of Inspector of Excise appearing at Serial No. 2 for the existing entry in column 11 substitute:—

"Promotion:— Sub-Inspectors of Excise, Upper Division Clerks and other incumbents of the posts carrying the pay scale of Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300 in the Department.

With 3 years service in the grade and having qualified in the Departmental Examination"

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 23rd October, 1972.

Notification

OSD/RRVS/50/67

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government Civil Registrar-cum-sub-registrar posts Recruitment Rules 1967, issued under Notification of even number dated 9th January, 1968 and published in Government Gazette Series I No. 45 dated 8th February 1968 namely:—

1. *Short title and commencement:*— (i) These rules may be called the Goa Government Civil Registrar-cum-Sub-Registrar posts Recruitment (Second Amendment) Rules 1972.

(ii) They shall come into force at once.

2. In the schedule attached to the said Notification, for existing entry in column 6 substitute:

"30 years and below (Relaxable for Government servants)".

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 23rd October, 1972.

Finance (Revenue) Department

Notification

Fin(Rev)/2-36/1/2249/70

In exercise of the powers conferred by section 36 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following amendment to the Goa, Daman and Diu Sales Tax Rules, 1964, the same having been previously published as required by sub-section (1) of the section 36 of the said Act, namely:—

1. *Short title and commencement.*— (1) These Rules may be called the Goa, Daman and Diu Sales Tax (Tenth Amendment) Rules, 1972.

(2) They shall come into force at once.

2. *Amendment of rule 15.*—The sub-rule (2) of rule 15 of the Goa, Daman and Diu Sales Tax Rules, 1964, shall be substituted by the following:—

“A dealer who wishes to deduct from his gross turnover any amount in respect of sales, on the ground that he is entitled to make such deductions under the provisions of sub-items (ii) or (iii) of item (a) of clause II of sub-section (3) of section 7, shall furnish along with the return referred to in section 15, a complete list of such sales and shall produce in support of them the declarations furnished in writing by the purchasing registered dealer or by a person duly authorised by him in writing in this behalf, in Form S. T. XII, together with the copies of the relevant cash memos or bills, according as the sale, is a cash sale or sale on credit”.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 30th October, 1972.

Law and Judicial Department

Notification

LD/3644/72

The Insecticides (Amendment) Act, 1972 (46 of 1972), The Taxation Laws (Amendment) Act, 1972 (45 of 1972), The Public Debt (Amendment) Act, 1972 (44 of 1972) which were recently passed by the Parliament and assented to by the President of India are hereby published for the general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 30th September, 1972.

The Insecticides (Amendment) Act, 1972

AN ACT

to amend the *Insecticides Act, 1968*

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the *Insecticides (Amendment) Act, 1972*.

(2) It shall be deemed to have come into force on the 1st day of August, 1971.

2. **Amendment of section 9.**— In sub-section (1) of section 9 of the *Insecticides Act, 1968* (hereinafter referred to as the principal Act),—

(a) in the proviso, for the words “six months”, the words “seventeen months” shall be substituted;

(b) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that where any person referred to in the preceding proviso fails to make an application under that proviso within the period specified therein, he may make such application at any time thereafter on payment of a penalty of one hundred rupees for every month or part thereof after the expiry of such period for the registration of each such insecticide.”.

3. **Amendment of section 13.**— In the proviso to sub-section (1) of section 13 of the principal Act, for the words “three months”, the words “seventeen months” shall be substituted.

4. **Amendment of section 17.**— In the proviso to sub-section (1) of section 17 of the principal Act, for the words “under the proviso”, the words “under any of the provisos” shall be substituted.

5. **Amendment of section 18.**— In section 18 of the principal Act, in the *Explanation*, for the words “under the proviso”, the words “under any of the provisos” shall be substituted.

The Taxation Laws (Amendment) Act, 1972

ARRANGEMENT OF SECTIONS

CHAPTER I Preliminary

Sections

1. Short title and commencement.

CHAPTER II

Amendments to the Income-tax Act, 1961

2. Insertion of new section 55A.
3. Amendment of section 254.
4. Insertion of new Chapter XXA.
5. Insertion of new section 281A.
6. Insertion of new section 287A.

CHAPTER III

Amendments to the Wealth-tax Act, 1957

7. Amendment of section 2.
8. Amendment of section 7.
9. Insertion of new section 12A.
10. Insertion of new section 16A.
11. Amendment of section 23.
12. Amendment of section 24.
13. Amendment of section 26.
14. Insertion of new Chapter VIIB.
15. Amendment of section 35.
16. Amendment of section 36.
17. Amendment of section 37.
18. Insertion of new section 38A.
19. Amendment of section 46.

CHAPTER IV

Amendments to the Gift-tax Act, 1958

20. Amendment of section 2.
21. Amendment of section 15.
22. Amendment of section 23.
23. Amendment of section 25.
24. Insertion of new section 43A.

CHAPTER V Miscellaneous

25. Saving and special provision.

The Taxation Laws (Amendment) Act, 1972

AN
ACT

further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957 and the Gift-tax Act, 1958.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) This Act may be called the Taxation Laws (Amendment) Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

CHAPTER II

Amendment to the Income-tax Act, 1961

2. **Insertion of new section 55A.**—In the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) after section 55, the following section shall be inserted, namely:—

‘55A. Reference to Valuation Officer.—With a view to ascertaining the fair market value of a capital asset for the purposes of this Chapter, the Income-tax Officer may refer the valuation of the capital asset to a Valuation Officer—

(a) in a case where the value of the asset as claimed by the assessee is in accordance with the estimate made by a registered valuer, if the Income-tax Officer is of opinion that the value so claimed is less than its fair market value;

(b) in any other case, if the Income-tax Officer is of opinion—

(i) that the fair market value of the asset exceeds the value of the asset as claimed by the assessee by more than such percentage of the value of the asset as so claimed or by more than such amount as may be prescribed in this behalf; or

(ii) that having regard to the nature of the asset and other relevant circumstances, it is necessary so to do,

and where any such reference is made, the provisions of sub-sections (2), (3), (4), (5) and (6) of section 16A, clauses (ha) and (i) of sub-section (1) and sub-sections (3A) and (4) of section 23, sub-section (5) of section 24, section 34AA, section 35 and section 37 of the Wealth-tax Act, 1957 shall, with the necessary modifications, apply in relation to such reference as they apply in relation to a reference made by the Wealth-tax Officer under sub-section (1) of section 16A of that Act.

27 of 1957.

Explanation.—In this section, “Valuation Officer” has the same meaning as in clause (r) of section 2 of the Wealth-tax Act, 1957.

27 of 1957.

3. **Amendment of section 254.**—In section 254 of the Income-tax Act, sub-section (1A) shall be omitted.

4. **Insertion of new Chapter XXA.**—In the Income-tax Act, after Chapter XX, the following Chapter shall be inserted, namely:—

“CHAPTER XXA

Acquisition of immovable properties in certain cases of transfer to counteract evasion of tax

269A. **Definitions.**—In this Chapter, unless the context otherwise requires,—

(a) “apparent consideration”, in relation to any immovable property transferred, means,—

(i) if the transfer is by way of sale, the consideration for such transfer as specified in the instrument of transfer;

(ii) if the transfer is by way of exchange,—

(A) in a case where the consideration for the transfer consists of a thing or things only, the price that such thing or things would ordinarily fetch on sale in the open market on the date of execution of the instrument of transfer;

(B) in a case where the consideration for the transfer consists of a thing or things and a sum of money, the aggregate of the price that such thing or things would ordinarily fetch on sale in the open market on the date of execution of the instrument of transfer and such sum;

(b) “competent authority” means an Assistant Commissioner of Income-tax authorised by the Central Government under section 269B to perform the functions of a competent authority under this Chapter;

(c) “court” means a principal civil court of original jurisdiction unless the Central Government has appointed (as it is hereby authorised to do) any special judicial officer within any specified local limits to perform the functions of the court under this Chapter;

(d) “fair market value”, in relation to any immovable property transferred, means the price that the immovable property would ordinarily fetch on sale in the open market on the date of execution of the instrument of transfer of such property;

(e) “immovable property” means any land or any building or part of a building, and includes, where any land or any building or part of a building is transferred together with any machinery, plant, furniture, fittings or other things, such machinery, plant, furniture, fittings or other things also.

Explanation.—For the purposes of this clause, land, building, part of a building, machinery, plant, furniture, fittings and other things include any rights therein;

(f) "instrument of transfer" means the instrument of transfer registered under the Registration Act, 1908; 16 of 1908.

(g) "persons interested", in relation to any immovable property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition of that property under this Chapter;

(h) "transfer", in relation to any immovable property, means transfer of such property by way of sale or exchange.

269B. Competent authority.—(1) The Central Government may, by general or special order published in the Official Gazette,—

(a) authorise as many Assistant Commissioners of Income-tax, as it thinks fit, to perform the functions of a competent authority under this Chapter; and

(b) define the local limits within which the competent authorities shall perform their functions under this Chapter.

(2) In respect of any function to be performed by a competent authority under any provision of this Chapter in relation to any immovable property referred to in section 269C, the competent authority referred to therein shall,—

(a) in a case where such property is situate within the local limits of the jurisdiction of only once competent authority, be such competent authority;

(b) in a case where such property is situate within the local limits of the jurisdiction of two or more competent authorities, be the competent authority empowered to perform such functions in relation to such property in accordance with rules made in this behalf by the Board under section 295.

(3) No person shall be entitled to call in question the jurisdiction of a competent authority in respect of any immovable property after the expiry of thirty days from the date on which such competent authority initiates proceedings under section 269D for the acquisition of such property.

(4) Subject to the provisions of sub-section (3), where the jurisdiction of a competent authority is questioned, the competent authority shall, if satisfied with the correctness of the claim, by order in writing, determine the question accordingly and if he is not so satisfied, he shall refer the question to the Board and the Board shall, by order in writing, determine the question.

269C. Immovable property in respect of which proceedings for acquisition may be taken.—(1) Where the competent authority has reason to believe that any immovable property of a fair market value exceeding twenty-five thousand rupees has been transferred by a person (hereafter in this Chapter referred to as the transferor) to another person (hereafter in this Chapter referred to as the transferee) for an apparent consideration which is less than the fair market value of the property and that the consideration for such transfer as agreed to between the parties has not

been truly stated in the instrument of transfer with the object of—

(a) facilitating the reduction or evasion of the liability of the transferor to pay tax under this Act in respect of any income arising from the transfer; or

(b) facilitating the concealment of any income or any moneys or other assets which have not been or which ought to be disclosed by the transferee for the purposes of the Indian Income-tax Act, 1922, or this Act or 11 of 1922. the Wealth-tax Act, 1957, 27 of 1957.

the competent authority may, subject to the provisions of this Chapter, initiate proceedings for the acquisition of such property under this Chapter:

Provided that before initiating such proceedings, the competent authority shall record his reasons for doing so:

Provided further that no such proceedings shall be initiated unless the competent authority has reason to believe that the fair market value of the property exceeds the apparent consideration therefor by more than fifteen per cent. of such apparent consideration.

(2) In any proceedings under this Chapter in respect of any immovable property,—

(a) where the fair market value of such property exceeds the apparent consideration therefor by more than twenty-five per cent. of such apparent consideration, it shall be conclusive proof that the consideration for such transfer as agreed to between the parties has not been truly stated in the instrument of transfer;

(b) where the property has been transferred for an apparent consideration which is less than its fair market value, it shall be presumed, unless the contrary is proved, that the consideration for such transfer as agreed to between the parties has not been truly stated in the instrument of transfer with such object as is referred to in clause (a) or clause (b) of sub-section (1).

269D. Preliminary notice.—(1) The competent authority shall initiate proceedings for the acquisition, under this Chapter, of any immovable property referred to in section 269C by notice to that effect published in the Official Gazette:

Provided that no such proceedings shall be initiated in respect of any immovable property after expiration of a period of six months from the end of the month in which the instrument of transfer in respect of such property is registered under the Registration Act, 1908:

16 of 1908.

Provided further that—

(a) in a case where it is determined under sub-section (4) of section 269B by the competent authority who has initiated proceedings for the acquisition of any immovable property under this Chapter or by the Board that such

competent authority has no jurisdiction to initiate such proceedings, the competent authority having jurisdiction may initiate such proceedings within —

(i) the period of six months specified in the foregoing proviso or

(ii) a period of thirty days from the date of such determination,

whichever period expires later;

(b) in a case where proceedings for the acquisition of any immovable property under this Chapter could not be initiated during any period of time by reason of any injunction or order of any court prohibiting the initiation of such proceedings or preventing the examination of documents or other materials required to be examined for the purpose of determining whether such proceedings should be initiated, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded in computing the period during which such proceedings may be initiated under this sub-section.

(2) The competent authority shall —

(a) cause a notice under sub-section (1) in respect of any immovable property to be served on the transferor, the transferee, the person in occupation of the property, if the transferee is not in occupation thereof, and on every person whom the competent authority knows to be interested in the property;

(b) cause such notice to be published —

(i) in his office by affixing a copy thereof to a conspicuous place;

(ii) in the locality in which the immovable property to which it relates is situate, by affixing a copy thereof to a conspicuous part of the property and also by making known in such manner as may be prescribed the substance of such notice at convenient places in the said locality.

269E. Objections. — (1) Objections against the acquisition of the immovable property in respect of which a notice has been published in the Official Gazette under sub-section (1) of section 269D may be made —

(a) by the transferor or the transferee or any other person referred to in clause (a) of sub-section (2) of that section, within a period of forty-five days from the date of such publication or a period of thirty days from the date of service of notice on such person under the said clause, whichever period expires later;

(b) by any other person interested in such immovable property, within forty-five days from the date of such publication.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing.

(3) For the removal of doubts, it is hereby declared that objection may be made under sub-section (1) that the provisions of clause (a) of sub-section (2) of section 269C do not apply in relation to any immovable property on the ground that the fair market value of such property does not exceed the apparent consideration

therefor by more than twenty-five per cent of such apparent consideration.

269F. Hearing of objections. — (1) The competent authority shall fix a day and place for the hearing of the objections made under section 269E against the acquisition under this Chapter of any immovable property, and shall give notice of the same to every person who has made such objection:

Provided that such notice shall also be given to the transferee of such property even if he has not made any such objection.

(2) Every person to whom a notice is given under sub-section (1) shall have the right to be heard at the hearing of the objections.

(3) The competent authority shall have the power to adjourn the hearing of the objections from time to time.

(4) The competent authority may, before disposing of the objections, make such further inquiry as he thinks fit.

(5) The decision of the competent authority in respect of the objections heard shall be in writing and shall state the reasons for the decision with respect to each objection.

(6) If after hearing the objections, if any, and after taking into account all the relevant material on record, the competent authority is satisfied that, —

(a) the immovable property to which the proceedings relate is of a fair market value exceeding twenty-five thousand rupees;

(b) the fair market value of such property exceeds the apparent consideration therefor by more than fifteen per cent. of such apparent consideration; and

(c) the consideration for such transfer as agreed to between the parties has not been truly stated in the instrument of transfer with such object as is referred to in clause (a) or clause (b) of sub-section (1) of section 269C,

he may, after obtaining the approval of the Commissioner, make an order for the acquisition of the property under this Chapter.

Explanation. — In this sub-section, "Commissioner", in relation to a competent authority, means such Commissioner as the Board may, by general or special order in writing, specify in this behalf.

(7) If the competent authority is not satisfied as provided in sub-section (6), he shall, by order in writing, declare that the property will not be acquired under this Chapter.

(8) The competent authority shall serve a copy of his order under sub-section (6) or sub-section (7), as the case may be, on the transferor, the transferee and on every person who has made objections against such acquisition under section 269E.

(9) In any proceedings under this Chapter in respect of any immovable property, no objection shall be entertained on the ground that although the

apparent consideration for the property is less than the fair market value of the property on the date of the execution of the instrument of transfer, the consideration as agreed to between the parties has been truly stated in the instrument of transfer because such consideration was agreed to having regard to the price that such property would have ordinarily fetched on sale in the open market on the date of the conclusion of the agreement to sell the property, except where such agreement has been registered under the Registration Act, 1908.

16 of 1908.

269G. Appeal against order for acquisition. —

(1) An appeal may be preferred to the Appellate Tribunal against the order for the acquisition of any immovable property made by the competent authority under section 269F, —

(a) by the transferor or the transferee or any other person referred to in sub-section (8) of that section, within a period of forty-five days from the date of such order or a period of thirty days from the date of service of a copy of the order on such person under the said sub-section, whichever period expires later;

(b) by any other person interested in such immovable property, within forty-five days from the date of such order:

Provided that the Appellate Tribunal may, on an application made in this behalf before the expiry of the said period of forty-five days or, as the case may be, thirty days, permit, by order, the appeal to be presented within such further period as may be specified therein if the applicant satisfies the Appellate Tribunal that he has sufficient cause for not being able to present the appeal within the said period of forty-five days or, as the case may be, thirty days.

(2) Every appeal under this section shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a fee of one hundred and twenty-five rupees.

(3) The Appellate Tribunal shall fix a day and place for the hearing of the appeal and shall give notice of the same to the appellant and to the competent authority.

(4) The appellate Tribunal may, after giving the appellant and the competent authority an opportunity of being heard, pass such orders thereon as it thinks fit.

(5) The Appellate Tribunal may, at any time within thirty days from the date of the order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (4) and shall make such amendment if the mistake is brought to its notice by the appellant or the competent authority:

Provided that if any such amendment is likely to affect any person prejudicially, it shall not be made without giving to such person a reasonable opportunity of being heard.

(6) The Appellate Tribunal shall send a copy of any orders passed under this section to the appellant and to the Commissioner.

(7) Save as provided in section 269H, orders passed by the Appellate Tribunal on appeal shall be final.

(8) Every appeal under this section shall be disposed of as expeditiously as possible and endeavour shall be made to dispose of every such appeal within ninety days from the date on which it is presented.

(9) The provisions of section 255 [except sub-section (3) thereof] shall, so far as may be, apply in relation to the powers, functions and proceedings of the Appellate Tribunal under this section as they apply in relation to the powers, functions and proceedings of the Appellate Tribunal under Chapter XX.

269H. Appeal to High Court. — (1) The Commissioner or any person aggrieved by any order of the Appellate Tribunal under section 269G may, within sixty days of the date on which he is served with notice of such order under that section, prefer an appeal against such order to the High Court on any question of law:

Provided that the High Court may, on an application made in this behalf before the expiry of the said period of sixty days, permit, by order, the appeal to be presented within such further period as may be specified therein, if the applicant satisfies the High Court that he has sufficient cause for not being able to present the appeal within the said period of sixty days.

(2) An appeal under sub-section (1) shall be heard by a Bench of not less than two Judges of the High Court and the provisions of section 259 shall apply in relation to any such appeal as they apply in relation to a case referred to the High Court under section 256.

(3) The costs of the appeal shall be in the discretion of the High Court.

269I. Vesting of property in Central Government. — (1) As soon as may be after the order for acquisition of any immovable property made under sub-section (6) of section 269F becomes final, the competent authority may, by notice in writing, order any person who may be in possession of the immovable property to surrender or deliver possession thereof to the competent authority or any other person duly authorised in writing by the competent authority in this behalf, within thirty days of the date of the service of the notice.

Explanation. — For the purposes of this sub-section, an order for the acquisition of any immovable property (hereafter in this *Explanation* referred to as the order for acquisition) made under sub-section (6) of section 269F becomes final, —

(a) in a case where the order for acquisition is not made the subject of an appeal to the Appellate Tribunal under section 269G, upon the expiry of the period during which such appeal may be presented under that section;

(b) in a case where the order for acquisition is made the subject of an appeal to the Appellate Tribunal under section 269G, —

(i) if the order for acquisition is confirmed by the Appellate Tribunal and the order of

the Appellate Tribunal is not made the subject of an appeal to the High Court under section 269H, upon the expiry of the period during which such appeal may be presented under that section to the High Court;

(ii) if the order of the Appellate Tribunal is made the subject of an appeal to the High Court under section 269H, upon the confirmation of the order for acquisition by the High Court.

(2) If any person refuses or fails to comply with the notice under sub-section (1), the competent authority or other person duly authorised by the competent authority under that sub-section may take possession of the immovable property and may, for that purpose, use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the competent authority may, for the purpose of taking possession of any property referred to in sub-section (1), requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

(4) When the possession of the immovable property is surrendered or delivered under sub-section (1) to the competent authority or a person duly authorised by him in that behalf or, as the case may be, when the possession thereof is taken under sub-section (2) or sub-section (3) by such authority or person, the property shall vest absolutely in the Central Government free from all encumbrances:

Provided that nothing in this sub-section shall operate to discharge the transferee or any other person (not being the Central Government) from liability in respect of such encumbrances and, notwithstanding anything contained in any other law, such liability may be enforced against the transferee or such other person by a suit for damages.

269J. Compensation. — (1) Where any immovable property is acquired under this Chapter, the Central Government shall pay for such acquisition compensation which shall be a sum equal to the aggregate of the amount of the apparent consideration for its transfer and fifteen per cent of the said amount.

(2) Notwithstanding anything contained in sub-section (1). —

(a) where, after the transfer to the transferee of the property referred to in that sub-section but before the vesting of the property in the Central Government, the property has been damaged (otherwise than as a result of normal wear and tear), the compensation payable under that sub-section shall be reduced by such amount as the competent authority and the persons entitled to the compensation may agree within fifteen days of the vesting of the property in the Central Government or in default of such agreement as the court may, on a reference made to it in this behalf by the competent authority or by any person duly authorised for the purpose by the competent authority, determine to be the amount that may have to

be expended for restoring the property to the condition in which it was at the time of such transfer;

(b) where, after the transfer of such property to the transferee but before the date of publication in the Official Gazette of the notice in respect of such property under sub-section (1) of section 269D, any improvements have been made to the property, whether by way of addition or alteration or in any other manner, the compensation payable in respect of such property under sub-section (1) shall be increased by such amount as the competent authority and the persons entitled to the compensation may agree within fifteen days of the vesting of the property in the Central Government or in default of such agreement as the court may, on a reference made to it in this behalf by the competent authority or by any person duly authorised for the purpose by the competent authority, determine to be the amount spent for making such improvements.

(3) Every reference under clause (a) or clause (b) of sub-section (2) shall be made within thirty days of the date on which the immovable property to which it relates becomes vested in the Central Government or within such further period as the court may, on an application made in this behalf before the expiry of the said period and on being satisfied that there is sufficient cause for doing so, allow and such reference shall state clearly the compensation payable under sub-section (1) in respect of the immovable property and the amount by which, according to the estimate of the competent authority, such compensation shall be reduced under clause (a) or, as the case may be, increased under clause (b), of sub-section (2).

(4) The amount by which the compensation payable under sub-section (1) in respect of any immovable property acquired under this Chapter falls short of the amount which would have been payable as compensation if that property had been acquired under the Land Acquisition Act, 1894, after the issue of a preliminary notice under section 4 of that Act on the date of publication in the Official Gazette of the notice in respect of the property under sub-section (1) of section 269D, shall be deemed to have been realised by the Central Government as a penalty from the transferee for being a party to a transfer with such object as is referred to in clause (a) or clause (b) of sub-section (1) of section 269C, and no penalty shall be levied for any assessment year on the transferee —

(a) under clause (iii) of sub-section (1) of section 271, for concealing the particulars or furnishing inaccurate particulars of so much of his income as is utilised by him for paying to the transferor, by way of consideration for the property, any amount in excess of the apparent consideration for the property, notwithstanding that such amount is included in the income of the transferee;

(b) under clause (iii) of sub-section (1) of section 18 of the Wealth-tax Act, 1957, for concealing the particulars or furnishing inaccurate particulars of much of his assets as are utilised by him for paying to the transferor, by way of consideration for the property, any amount in excess of the apparent consideration for the property, notwithstanding that such assets are included in the net wealth of the transferee. 27 of 1957.

269K. Payment or deposit of compensation. —

(1) The amount of compensation payable in accordance with the provisions of section 269J for the acquisition of any immovable property shall be tendered to the person or persons entitled thereto, as soon as may be, after the property becomes vested in the Central Government under sub-section (4) of section 269I:

Provided that in any case where a reference is or has to be made under sub-section (2) of section 269J to the court for the determination of the amount by which the compensation payable under sub-section (1) of that section shall be reduced or increased, the amount of such compensation as reduced or increased by the amount estimated in that behalf by the competent authority for the purposes of such reference shall be tendered as aforesaid.

(2) Notwithstanding anything contained in sub-section (1), if any dispute arises as to the apportionment of the compensation amongst persons claiming to be entitled thereto, the Central Government shall deposit in the court the compensation required to be tendered under sub-section (1) and refer such dispute for the decision of the court and the decision of the court thereon shall be final.

(3) Notwithstanding anything contained in sub-section (1), if the persons entitled to compensation do not consent to receive it, or if there is no person competent to alienate the immovable property, or if there is any dispute as to the title to receive the compensation, the Central Government shall deposit in the court the compensation required to be tendered under sub-section (1) and refer the matter for the decision of the court:

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of the compensation for any immovable property acquired under this Chapter to pay the same to the person lawfully entitled thereto.

(4) If the Central Government fails to tender under sub-section (1) or deposit under sub-section (2) or sub-section (3) the whole or any part of the compensation required to be tendered or deposited thereunder within thirty days of the date on which the immovable property to which the compensation relates becomes vested in the Central Government under sub-section (4) of section 269I, the Central Government shall be liable to pay simple interest at the rate of twelve per cent per annum reckoned from the day immediately following the date of expiry of the said period up to the date on which it so tenders or deposits such compensation or, as the case may be, such part of the compensation.

(5) Where any amount of compensation (including interest, if any, thereon) has been deposited in the court under this section, the court may, either of its own motion or on an application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the immovable property in respect whereof such amount has been deposited or as near thereto as may be.

269L. Assistance by Valuation Officers. — (1)
The competent authority may, —

(a) for the purpose of initiating proceedings for the acquisition of any immovable property under section 269C or for the purpose of making an order under section 269F in respect of any immovable property, require a Valuation Officer to determine the fair market value of such property and report the same to him;

(b) for the purpose of estimating the amount by which the compensation payable under sub-section (1) of section 269J in respect of any immovable property may be reduced, or, as the case may be, increased under clause (a) or clause (b) of sub-section (2) of that section, require the Valuation Officer to make such estimate and report the same to him.

(2) The Valuation Officer to whom a reference is made under clause (a) or clause (b) of sub-section (1) shall, for the purpose of dealing with such reference, have all the powers that he has under section 38A of the Wealth-tax Act, 1957. 27 of 1957.

(3) If in an appeal under section 269G against the order for acquisition of any immovable property, the fair market value of such property is in dispute, the Appellate Tribunal shall, on a request being made in this behalf by the competent authority, give an opportunity of being heard to any Valuation Officer nominated for the purpose by the competent authority.

Explanation. — In this section, "Valuation Officer" has the same meaning as in clause (r) of section 2 of the Wealth-tax Act, 1957. 27 of 1957.

269M. Powers of competent authority. — The competent authority shall have, for the purposes of this Chapter, all the powers that a Commissioner has, for the purposes of this Act, under section 131.

269N. Rectification of mistakes. — With a view to rectifying any mistake apparent from the record, the competent authority may amend any order made by him under this Chapter at any time before the time for presenting an appeal against such order has expired, either on his own motion or on the mistake being brought to his notice by any person affected by the order:

Provided that if any such amendment is likely to affect any person prejudicially, it shall not be

made without giving to such person a reasonable opportunity of being heard.

269O. Appearance by authorised representative or registered valuer.— Any person who is entitled or required to attend before a competent authority or the Appellate Tribunal in any proceeding under this Chapter, otherwise than when required to attend personally for examination on oath or affirmation, may attend—

(a) by an authorised representative in connection with any matter;

(b) by a registered value in connection with any matter relating to the valuation of any immovable property for the purposes of this Chapter or the estimation of the amount by which the compensation payable under sub-section (1) of section 269J for the acquisition of any immovable property may be reduced or, as the case may be, increased in accordance with the provisions of clause (a) or clause (b) of sub-section (2) of that section.

Explanation.— In this section, —

(i) "authorised representative" has the same meaning as in section 288;

(ii) "registered valuer" has the same meaning as in clause (aaa) of section 2 of the Wealth-tax Act, 1957. 27 of 1957.

269P. Statement to be furnished in respect of transfers of immovable property.—(1) Notwithstanding anything contained in any other law for the time being in force, no registering officer appointed under the Registration Act, 1908, shall register any document which purports to transfer any immovable property belonging to any person unless a statement in duplicate in respect of such transfer, in the prescribed form and verified in the prescribed manner and setting forth such particulars as may be prescribed, is furnished to him along with the instrument of transfer. 16 of 1908.

(2) The registering officer shall, at the end of every fortnight, forward to the competent authority, —

(a) one set of the statements received by him under sub-section (1) during the fortnight; and

(b) a return in the prescribed form and verified in the prescribed manner and setting forth such particulars as may be prescribed in respect of documents of the nature referred to in sub-section (1) which have been registered by him during the fortnight.

269Q. Chapter not to apply to transfers to relatives.— The provisions of this Chapter shall not apply to or in relation to any transfer of immovable property made by a person to his relative on account of natural love and affection for a consideration which is less than its fair market value if a recital to that effect is made in the instrument of transfer.

269R. Properties liable for acquisition under this Chapter not to be acquired under other laws.— Notwiths-

tanding anything contained in the Land Acquisition Act, 1894, or any corresponding law for the time being in force, no immovable property referred to in section 269C shall be acquired for any purpose of the Union under that Act or such law unless the time for initiation of proceedings for the acquisition of such property under this Chapter has expired without such proceedings having been initiated or unless the competent authority has declared that such property will not be acquired under this Chapter. 1 of 1894.

269S. Chapter not to extend to State of Jammu and Kashmir.— The provisions of this Chapter shall not extend to the State of Jammu and Kashmir.

5. Insertion of new section 281A.—In the Income-tax Act, after section 281, the following section shall be inserted, namely: —

"281A. Effect of failure to furnish information in respect of properties held *benami*. — (1) No suit to enforce any right in respect of any property held *benami*, whether against the person in whose name the property is held or against any other person, shall be instituted in any court by or on behalf of a person (hereafter in this section referred to as the claimant) claiming to be the real owner of such property unless, —

(a) the income, if any, from such property has been disclosed in any return of income furnished by the claimant under this Act; or

(b) such property has been disclosed in any return of net wealth furnished by the claimant under the Wealth-tax Act, 1957; or 27 of 1957.

(c) notice in the prescribed form and containing the prescribed particulars in respect of the property has been given by the claimant to the Income-tax Officer.

(2) The Income-tax Officer shall, on an application made by any person in the prescribed manner and on payment of the prescribed fees, issue for the purposes of a suit referred to in sub-section (1), relevant extracts from the return furnished by such person under this Act or the Wealth-tax Act, 1957, 27 of 1957, or a certified copy of any notice given by such person under clause (c) of sub-section (1), within fourteen days from the date of receipt of the application therefor.

(3) This section shall not apply to any suit of a value not exceeding two thousand rupees which is tried by, —

(a) a Court of Small Causes constituted under the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887; 15 of 1882, 9 of 1887. or

(b) a court invested with the jurisdiction of a Court of Small Causes, by or under any enactment for the time being in force, in the exercise of such jurisdiction."

6. **Insertion of new section 287A.** — In the Income-tax Act, after section 287, the following section shall be inserted, namely: —

‘287A. Appearance by registered valuer in certain matters. — Any assessee who is entitled or required to attend before any income-tax authority or the Appellate Tribunal in connection with any matter relating to the valuation of any asset, otherwise than when required under section 131 to attend personally for examination on oath or affirmation, may attend by a registered valuer.

Explanation. — In this section, “registered valuer” has the same meaning as in clause (oaa) of section 2 of the Wealth-tax Act, 1957.” 27 of 1957.

CHAPTER III

Amendments to the Wealth-tax Act, 1957

7. **Amendment of section 2.** — In section 2 of the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), — 27 of 1957.

(a) after clause (oa), the following clause shall be inserted, namely: —

‘(oaa) “registered valuer” means a person registered as a valuer under section 34AB;’;

(b) for clause (r), the following clause shall be substituted, namely: —

‘(r) “Valuation Officer” means a person appointed as a Valuation Officer under section 12A, and includes a Regional Valuation Officer, a District Valuation Officer and an Assistant Valuation Officer.’.

8. **Amendment of section 7.** — In section 7 of the Wealth-tax Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) Notwithstanding anything contained in sub-section (1), where the valuation of any asset is referred by the Wealth-tax Officer to the Valuation Officer under section 16A, the value of such asset shall be estimated to be the price which, in the opinion of the Valuation Officer, it would fetch if sold in the open market on the valuation date.”.

9. **Insertion of new section 12A.** — After section 12 of the Wealth-tax Act, the following section shall be inserted, namely: —

“12A. Appointment of Valuation Officers. —

(1) The Central Government may appoint as many Valuation Officers as it thinks fit.

(2) Subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, a wealth-tax authority may appoint as many overseers, surveyors and assessors as may be necessary to assist the Valuation Officers in the performance of their functions.”.

10. **Insertion of new section 16A.** — After section 16 of the Wealth-tax Act, the following section shall be inserted, namely: —

“16A. Reference to Valuation Officers. — (1) For the purpose of making an assessment (includ-

ing an assessment in respect of any assessment year commencing before the date of coming into force of this section) under this Act, the Wealth-tax Officer may refer the valuation of any asset to a Valuation Officer —

(a) in a case where the value of the asset as returned is in accordance with the estimate made by a registered valuer, if the Wealth-tax Officer is of opinion that the value so returned is less than its fair market value;

(b) in any other case, if the Wealth-tax Officer is of opinion —

(i) that the fair market value of the asset exceeds the value of the asset as returned by more than such percentage of the value of the asset as returned or by more than such amount as may be prescribed in this behalf; or

(ii) that having regard to the nature of the asset and other relevant circumstances, it is necessary so to do.

(2) For the purpose of estimating the value of any asset in pursuance of a reference under sub-section (1), the Valuation Officer may serve on the assessee a notice requiring him to produce or cause to be produced on a date specified in the notice such accounts, records or other documents as the Valuation Officer may require.

(3) Where the Valuation Officer is of opinion that the value of the asset has been correctly declared in the return made by the assessee under section 14 or section 15, he shall pass an order in writing to that effect and send a copy of his order to the Wealth-tax Officer and to the assessee.

(4) Where the Valuation Officer is of opinion that the value of the asset is higher than the value declared in the return made by the assessee under section 14 or section 15, or where the asset is not disclosed or the value of the asset is not declared in such return or where no such return has been made, the Valuation Officer shall serve a notice on the assessee intimating the value which he proposes to estimate and giving the assessee an opportunity to state, on a date to be specified in the notice, his objections either in person or in writing before the Valuation Officer and to produce or cause to be produced on that date such evidence as the assessee may rely in support of his objections.

(5) On the date specified in the notice under sub-section (4), or as soon thereafter as may be, after hearing such evidence as the assessee may produce and after considering such evidence as the Valuation Officer may require on any specified points and after taking into account all relevant material which he has gathered, the Valuation Officer shall, by order in writing, estimate the value of the asset and send a copy of his order to the Wealth-tax Officer and to the assessee.

(6) On receipt of the order under sub-section (3) or sub-section (5) from the Valuation Officer, the Wealth-tax Officer shall, so far as the valuation of the asset in question is concerned, proceed to complete the assessment in conformity with the estimate of the Valuation Officer.”.

11. Amendment of section 23.—In section 23 of the Wealth-tax Act,—

(a) in sub-section (1),—

(i) after clause (h), the following clause shall be inserted, namely:—

“(ha) objecting to any order of the Valuation Officer under section 35 having the effect of enhancing the valuation of any asset or refusing to allow the claim made by the assessee under the said section; or”;

(ii) in clause (i), for the words “Wealth-tax Officer”, the words “Wealth-tax Officer or Valuation Officer” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) If the valuation of any asset is objected to in an appeal under clause (a) of sub-section (1), the Appellate Assistant Commissioner shall,—

(a) in a case where such valuation has been made by a Valuation Officer under section 16A, give such Valuation Officer an opportunity of being heard;

(b) in any other case, on a request being made in this behalf by the Wealth-tax Officer, give an opportunity of being heard to any Valuation Officer nominated for the purpose by the Wealth-tax Officer.”;

(c) in sub-section (4), in clause (b), for the words “Wealth-tax Officer”, the words “Wealth-tax Officer or, as the case may be, the Valuation Officer” shall be substituted.

12. Amendment of section 24.—In section 24 of the Wealth-tax Act,—

(a) in sub-section (5), for the words “Provided that”, the following shall be substituted, namely:—

“Provided that if the valuation of any asset is objected to, the Appellate Tribunal shall,—

(a) in a case where such valuation has been made by a Valuation Officer under section 16A, also give such Valuation Officer an opportunity of being heard;

(b) in any other case, on a request being made in this behalf by the Wealth-tax Officer, give an opportunity of being heard also to any Valuation Officer nominated for the purpose by the Wealth-tax Officer:

Provided further that”;

(b) sub-sections (6), (7), (8), (8A) and (8B) shall be omitted.

13. Amendment of section 26.—In section 26 of the Wealth-tax Act, in sub-section (3), for the words, brackets and figures “sub-section (3) and (5) to (10) inclusive”, the words, brackets and figures “sub-sections (3), (5), (9) and (10)” shall be substituted.

14. Insertion of new Chapter VII B.—In the Wealth-tax Act, after Chapter VIIA, the following Chapter shall be inserted, namely:—

“CHAPTER VII B

Registered valuers

34AA. Appearance by registered valuers.—Notwithstanding anything contained in this Act, any assessee who is entitled to or required to attend before any wealth-tax authority or the Appellate Tribunal in connection with any matter relating to the valuation of any asset, except where he is required under this Act to attend in person, may attend by a registered valuer.

34AB. Registration of valuers.—(1) The Board shall maintain a register to be called the Register of Valuers in which shall be entered the names and addresses of persons registered under sub-section (2) as valuers.

(2) Any person who possesses the qualifications prescribed in this behalf may apply to the Board in the prescribed form for being registered as a valuer under this section:

Provided that different qualifications may be prescribed for valuers of different classes of assets.

(3) Every application under sub-section (2) shall be verified in the prescribed manner, shall be accompanied by such fees as may be prescribed and shall contain a declaration to the effect that the applicant will—

(i) make an impartial and true valuation of any asset which he may be required to value;

(ii) furnish a report of such valuation in the prescribed form;

(iii) charge fees at a rate not exceeding the rate or rates prescribed in this behalf;

(iv) not undertake valuation of any asset in which he has a direct or indirect interest.

(4) The report of valuation of any asset by a registered valuer shall be in the prescribed form and be verified in the prescribed manner.

34AC. Restrictions on practice as registered valuer.—(1) No person, either alone or in partnership with any other person, shall practise, describe himself or hold himself out as a registered valuer for the purposes of this Act or permit himself to be so described or held out, unless he is registered as a valuer or, as the case may be, unless he and all his partners are so registered under this Chapter.

(2) No company or other body corporate shall practise, describe itself or hold itself out as registered valuers for the purposes of this Act or permit itself to be so described or held out.

34AD. Removal from register of names of valuers and restoration.—(1) The Board may remove the name of any person from the register of valuers where it is satisfied, after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as it thinks fit to make,—

(i) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact;

(ii) that he has been convicted of any offence and sentenced to a term of imprisonment or has been guilty of misconduct in his professional capacity which, in the opinion of the Board, renders him unfit to be kept in the register.

(2) The Board may, on application and on sufficient cause being shown, restore to the register the name of any person removed therefrom."

15. Amendment of section 35.—In section 35 of the Wealth-tax Act,—

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

"(aa) the Valuation Officer may amend any order passed by him under section 16A;"

(b) in sub-section (3), in clause (b), for the words "Appellate Assistant Commissioner", the words "Valuation Officer or the Appellate Assistant Commissioner" shall be substituted;

(c) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) Where any amendment made by the Valuation Officer under clause (aa) of sub-section (1) has the effect of enhancing the valuation of any asset, he shall send a copy of his order to the Wealth-tax Officer who shall thereafter proceed to amend the order of assessment in conformity with the order of the Valuation Officer and the provisions of sub-section (6) shall apply accordingly;"

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) Notwithstanding anything contained in sub-section (7), where the valuation of any asset has been enhanced by the Valuation Officer under this section, the consequential amendment to the order of assessment may be made by the Wealth-tax Officer at any time before the expiry of one year from the date of the order of the Valuation Officer under this section."

16. Amendment of section 36.—In section 36 of the Wealth-tax Act, after sub-section (2A), the following sub-section shall be inserted, namely:—

"(2B) If a person makes a statement in a verification mentioned in section 34AB which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable with imprisonment which may extend to six months or with fine or with both."

17. Amendment of section 37.—In section 37 of the Wealth-tax Act,—

(a) in sub-section (1), for the words "The Wealth-tax Officer," the words "The Wealth-tax Officer, Valuation Officer," shall be substituted;

(b) in sub-section (3), in the proviso, for the words "a Wealth-tax Officer", the words "a Wealth-tax Officer or a Valuation Officer" shall be substituted.

18. Insertion of new section 38A.—After section 38 of the Wealth-tax Act, the following section shall be inserted, namely:—

"38A. Powers of Valuation Officer, etc. — (1) For the purposes of this Act, a Valuation Officer

or any overseer, surveyor or assessor authorised by him in this behalf may, subject to any rules made in this behalf and at such reasonable times as may be prescribed,—

(a) enter any land within the limits of the area assigned to the Valuation Officer, or

(b) enter any land, building or other place belonging to or occupied by any person in connection with whose assessment a reference has been made under section 16A to the Valuation Officer, or

(c) inspect any asset in respect of which a reference under section 16A has been made to the Valuation Officer,

and require any person in charge of, or in occupation or possession of, such land, building or other place or asset to afford him the necessary facility to survey or inspect such land, building or other place or asset or estimate its value or inspect any books of account, document or record which may be relevant for the valuation of such land, building or other place or asset and gather other particulars relating to such land, building or other place or asset:

Provided that no Valuation Officer, overseer, surveyor or assessor shall enter any building or place referred to in clause (b) or inspect any asset referred to in clause (c) (unless with the consent of the person in charge of, or in occupation or possession of, such building, place or asset) without previously giving to such person at least two day's notice in writing of his intention to do so.

(2) If a person who, under sub-section (1), is required to afford any facility to the Valuation Officer or the overseer, surveyor or assessor, either refuses or evades to afford such facility, the Valuation Officer shall have all the powers under sub-sections (1) and (2) of section 37 for enforcing compliance of the requirements made."

19. Amendment of section 46.—In section 46 of the Wealth-tax Act, in sub-section (2), for clause (e), the following clauses shall be substituted, namely:—

"(e) the areas within which Valuation Officers may exercise jurisdiction;

(ee) the manner in which and the conditions subject to which Valuation Officers, overseers, surveyors and assessors may exercise their powers under sub-section (1) of section 38A;"

CHAPTER IV

Amendments to the Gift-tax Act, 1958

20. Amendment of section 2.—In section 2 of the Gift-tax Act, 1958 (hereinafter referred to as the Gift-tax Act), 18 of 1958, clause (xxv) shall be omitted.

21. Amendment of section 15.—In section 15 of the Gift-tax Act, after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Notwithstanding anything contained in section 6, for the purpose of making an assessment under this Act, the Gift-tax Officer may refer to

a Valuation of any property transferred by way of gift —

(a) in a case where the value of the property as returned is in accordance with the estimate made by a registered valuer, if the Gift-tax Officer is of opinion that the value so returned is less than its fair market value;

(b) in any other case, if the Gift-tax Officer is of opinion —

(i) that the fair market value of the property exceeds the value of the property as returned by more than such percentage of the value of the property as returned or by more than such amount as may be prescribed in this behalf; or

(ii) that having regard to the nature of the property and other relevant circumstances, it is necessary so to do;

and where any such reference is made, the provisions of sub-sections (2), (3), (4), (5) and (6) of section 16A, clauses (ha) and (i) of sub-section (1) and sub-sections (3A) and (4) of section 23, sub-section (5) of section 24, section 34AA, section 35 and section 37 of the Wealth-tax Act, 1957, shall, with the necessary modifications, apply in relation to such reference as they apply in relation to a reference made by the Wealth-tax Officer under sub-section (1) of section 16A of that Act. 27 of 1957.

Explanation.—In this sub-section, "Valuation Officer" has the same meaning as in clause (r) of section 2 of the Wealth-tax Act, 1957. 27 of 1957.

22. Amendment of section 23.—In section 23 of the Gift-tax Act, sub-section (6), (7) and (8) shall be omitted.

23. Amendment of section 25.—In section 25 of the Gift-tax Act, in sub-section (3), for the words, brackets and figures "sub-sections (3) and (5) to (10) inclusive", the words, brackets and figures "sub-sections (3), (5), (9) and (10)" shall be substituted.

24. Insertion of new section 43A.—In the Gift-tax Act, after section 43, the following section shall be inserted, namely:—

'43A. Appearance by registered valuer in certain matters.—Any assessee who is entitled or required to attend before any Gift-tax Authority or the Appellate Tribunal in connection with any matter relating to the valuation of any asset, except where he is required under this Act to attend in person, may attend by a registered valuer.

Explanation.—In this section, "registered valuer" has the same meaning as in clause (oaa) of section 2 of the Wealth-tax Act, 1957. 27 of 1957.

CHAPTER V

Miscellaneous

25. Saving and special provision.—(1) Notwithstanding the omission of sub-section (1A) of section 254 of the Income-tax

Act, 1961, by section 3 of this Act, every requisition by an appellant for the making of a reference under that sub-section and every reference made under that sub-section before such omission shall be dealt with as if the said sub-section had not been omitted, and, save as aforesaid, no such reference shall be made after such omission. 43 of 1961.

(2) Notwithstanding the omission of sub-sections (6), (7), (8), (8A) and (8B) of section 24 of the Wealth-tax Act, 1957, by clause (b) of section 12 of this Act, every requisition by an appellant for the making of a reference under the said sub-section (6) and every reference made under that sub-section before such omission shall be dealt with as if the said sub-sections had not been omitted, and, save as aforesaid, no such reference shall be made after such omission. 27 of 1957.

(3) Notwithstanding the omission of sub-sections (6), (7) and (8) of section 23 of the Gift-tax Act, 1958, by section 22 of this Act, every requisition by an appellant for the making of a reference under the said sub-section (6) and every reference made under that sub-section before such omission shall be dealt with as if the said sub-sections had not been omitted, and, save as aforesaid, no such reference shall be made after such omission. 18 of 1958.

The Public Debt (Amendment) Act, 1972

AN
ACT

further to amend the Public Debt Act, 1944

Whereas in pursuance of clause (1) of article 252 of the Constitution, each of the Houses of the Legislature of the State of Jammu and Kashmir has passed a resolution to the effect that certain matters relating to the public debt of that State, that is to say, matters for which provision is made in the Public Debt Act, 1944, should be regulated in that State by Parliament by law; 18 of 1944.

And whereas in consequence thereof it is necessary further to amend the Public Debt Act, 1944; 18 of 1944.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Public Debt (Amendment) Act, 1972.

(2) It shall come into force on the 1st day of September, 1972.

2. Amendment of section 1A.—In section 1A of the Public Debt Act, 1944 (hereinafter referred to as the principal Act), the words "other than the Government of Jammu and Kashmir" shall be omitted. 18 of 1944.

3. Amendment of section 3.—In sub-section (1) of section 3 of the principal Act,—

(a) in clause (iii), the word “and”, occurring at the end shall be omitted;

(b) in clause (iv), the word “and” shall be added at the end;

(c) after clause (iv), the following clause shall be inserted, namely:—

“(v) is made on or after the 1st day of September, 1972, in the case of a security issued on or after that day by the Government of the State of Jammu and Kashmir.”

4. Amendment of section 28.—In section 28 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

5. Insertion of new section 31.—After section 30 of the principal Act, the following section shall be inserted, namely:—

“31. Construction of references to laws not in force in Jammu and Kashmir.—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, wherever necessary, be construed as including a reference to the corresponding law, if any, in force in that State.”

Office of the Chief Electoral Officer

Notification

4-3-72/Elec.

The following notification No. 56/72-X dated 20-10-1972 issued by the Election Commission of India, New Delhi is hereby republished for general information.

B. M. Masurkar, Chief Electoral Officer.

Panaji, 25th October, 1972.

Election Commission of India

New Delhi, dated the 20th October, 1972

Asvina 28, 1894 (Saka)

Notification

S. O.—In pursuance of paragraph 17 of the Election Symbols (Reservation and Allotment) Order,

1968, the Election Commission hereby makes the following amendment in its notification No. 56/72-I, dated the 1st February, 1972, published in an extraordinary issue of the Gazette of India, Part II, Section 3(ii), dated the 2nd February, 1972, namely:—

In Table III,—

against the entry ‘15. Orissa’, for the entries “(9) Pot and (10) Elephant”, the entries “(9) Pot, (10) Elephant and (11) Drum” shall be substituted.

[No. 56/72-X]

By order,

V. NAGASUBRAMANIAN

Secretary to the Election Commission of India

Food and Civil Supplies Department

ORDER

FCS/PWD/2936/Part II/72

Sanction is hereby accorded for the creation of the below mentioned posts in the Public Works Department to expedite the acquisition of land for the Salaulim Project, for a period of one year in the first instance.

Sr. No.	Category	No. of posts	Scale of pay
1.	Special Land Acquisition Officer	1	Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900.
2.	Circle Inspector	1	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.
3.	Head Surveyor	1	Rs. 180-10-290-EB-15-380.
4.	Field Surveyor	15	Rs. 150-5-175-6-205-EB-7-240.
5.	Draftsman (Grade II)	1	— do —
6.	Staff Holders (Class IV)	15	Rs. 70-1-80-EB-1-85.

The recruitment to these posts will be made by the Collector of Goa, and they will also work under the control and supervision of the Collector.

The expenditure is debitable to the Budget Head “100 Capital Outlay on Irrigation, Navigation, Embankment & Drainage Works (Non Commercial) — A. Irrigation Works — A. 2(2) Salauli Irrigation Project — A. 2(2) (2) a Land Acquisition and other Ancillary Works of Salauli Irrigation Project.

This issues with the concurrence of the Finance Department vide their U.O.No. F(C)/5257/72 dated 28-9-1972.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Planning).

Panaji, 25th October, 1972.

Development Department 'A'

Notification

CDB/COOP/899/70/72

The following draft amendment which is proposed to be made to the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this notification in the Official Gazette.

All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu in the Development 'A' Department, Secretariat, Panaji before the expiry of 15 days from the date of the publication of this notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) of section 165 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf the Lieutenant Governor of Goa, Daman and Diu hereby makes as follows the third amendment to the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Cooperative Societies (Third amendment) Rules, 1972 for the Union territory of Goa, Daman and Diu.

2. *Amendment to Rule 33.*—In rule 33 of the Cooperative Societies Rules, 1962 for the Union territory of the Goa, Daman and Diu:—

- (a) in the heading for the expression "Cooperative Banks established in Union territory", the expression "the Goa State Cooperative Bank Ltd." shall be substituted.
- (b) for the expression "a Cooperative Bank in the Union territory" the expression "the Goa State Cooperative Bank Ltd." shall be substituted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. S. Sukthamkar, Under Secretary (Development).
Panaji, 26th October, 1972.

Notification

CDB/COOP/900/72

The following draft rules which the Government of Goa, Daman and Diu proposes to make under sub-section (1) of Section 165 of the Maharashtra Cooperative Societies Act, 1960 (24 of 1961) as applied to the Union Territory of Goa, Daman and Diu read with sub-section (2) of Section 151 of the said Act, is hereby published for general informa-

tion. Notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of 30 days from the date of publication in the Official Gazette.

All objections and suggestions if any may be sent to the Under Secretary, Government of Goa, Daman and Diu, in Development 'A' Department, Secretariat, Panaji within 30 days of the publication of this notification so that they may be taken into consideration at the time of finalization of the rules.

DRAFT RULES

In exercise of the powers conferred by sub-section (1) of Section 165 of Maharashtra Cooperative Societies Act, 1960 (24 of 1961) as applied to the Union Territory of Goa, Daman and Diu read with sub-section (1) of Section 151 of the said Act, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short Title and Commencement.*—(1) These rules may be called "The Goa, Daman and Diu Cooperative Tribunal (Affidavits) Rules, 1972".

(2) They shall come into force at once.

2. *Entitling of Affidavits.*—Every affidavit to be filed in the Tribunal shall have the title "In the Cooperative Tribunal of Goa, Daman and Diu at Panaji".

3. *Entitling of Affidavits relating to the proceeding pending in the Tribunal.*—An affidavit relating to a proceeding pending in the Tribunal shall have the title "In the matter of (State the proceeding and its number)" and shall set out the names and descriptions of the parties.

4. *Statements of facts to be divided into paragraphs and numbered.*—Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct part of the subject.

5. *Affirmation by declarant from knowledge and belief.*—The declarant shall state what paragraphs or parts of his affidavit he swears or solemnly affirms to from his own knowledge and what paragraphs or parts he swears or solemnly affirms to on his own belief, stating the grounds of such belief.

6. *Affirmation below petition sufficient compliance.*—When any petition is required to be supported by an affidavit by these rules, a declaration on solemn affirmation by the petitioner below the petition stating that the facts stated in the petition are true to the best of his own knowledge or belief would be sufficient compliance; and no separate affidavit, unless otherwise ordered by the Tribunal, shall be necessary.

7. *Officer before whom Affidavits and affirmation may be sworn or declared.*—Affidavits and affirmations to be used before the Tribunal may be sworn and affirmed before the Registrar of the Tribunal.

8. *Language if not known, document to be interpreted by the Registrar or other Officer.*—(i) The

Registrar administering the affirmation for the purpose of affidavits shall satisfy himself that the language in which the affidavit, if sought to be made is known to the declarant.

(ii) If the language is not known or understood by the declarant the Registrar administering the affirmation shall, where the party is represented by an Advocate, require the said Advocate to certify in writing below the affidavit that the contents of the affidavit are interpreted and explained to the declarant in a language known to him and that the declarant has fully understood them.

(iii) Where the declarant is not represented by an Advocate, the Registrar administering the affirmation shall himself interpret the contents of the document to the declarant or appoint any fit officer of the Tribunal for the purpose on the payment of fees as prescribed in rule 12. The Registrar or other Officer appointed by him interpreting the document shall certify below the document that its contents have been interpreted to the declarant in a language known to him.

(iv) When the Registrar administering the affirmation is satisfied that the language of the document is known or understood by the declarant, or when the Advocate or the Registrar or other Officer acting as translator certified that the contents have been interpreted to the declarant in a language known to him, the affirmation shall be administered and the affidavit completed by the signature of the declarant below the declaration on affirmation in the presence of the Registrar and the certification by the Registrar of the Tribunal.

9. Identity of declarant.—The Registrar, before administering the affirmation and certifying the affidavit shall satisfy himself as to the identity of the declarant who shall be either known to the Registrar personally or indentified before him by a person whom he personally knows. The manner in which the identification is made shall be certified by the Registrar administering the affirmation.

10. Solemn declaration by the party making the Affidavit.—The declaration by the party making the affidavit shall be in the following form:—

I, the Appellant/Respondent, Applicant/ Opponent, Petitioner/Opponent abovenamed do solemnly declare that what is stated above in paragraph is true to my own knowledge and that what is stated in the remaining paragraphs is true to the best of my information which I obtained from the following sources:

..... and I believe the information which I obtained for the following reasons:—

Solemnly declared at abovesaid this day of 19

SIGNATURE

Solemnly affirmed before me by who is identified before me by whom I personally know.

This day of 19

REGISTRAR

COOPERATIVE TRIBUNAL

11. Fees payable.—(1) The following are the fees chargeable on the affidavits under these rules:

- (a) For each affidavit or affirmation:—
fifty paise;
- (b) For each page interpreted or part thereof:—
fifty paise.

(2) Such fees shall be paid by means of Court-Fees adhesive stamps affixed on the respective document under an endorsement and registration or the fees so collected and due cancellation of the stamps.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Development).
Panaji, 26th October, 1972.